

Planning Process 101

Overview

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1. Introduction

Planning is the process formally led by government agencies to facilitate creation of local laws about where, how and what gets built within a city or county.¹ It considers how many people are expected to live in the community and identifying where they will live, work and play and what their needs will be.

The public has a right under federal and state law to be informed and participate during specific phases of the planning process. This fact sheet provides information on how to participate in and impact planning policy decisions.

2. Planning Decisions:

- **City Policies:** Principles which reflect the goals and objectives of a city. They provide a point of reference for laws and ordinances and help guide the General Plan to ensure it is consistent with current city politics. Policies may be initiated by the public or by the city. They are generally created by planning staff and then approved by the City Council or Board of Supervisors.
- **General Plan (Also known as “comprehensive plan” or “master plan”):** A document that reflects the community’s vision and long term goals. It is implemented through the use of zoning codes, city policy, and subdivision ordinances.² In California, the General Plan includes at least 7 elements, including land use, circulation, housing, conservation, open space, noise and safety.
- **Housing Element:** A required part of each city’s general plan that is supposed to lay out programs to provide homes for all members of society.³ In the Bay Area, this element is supposed to reflect the “Fair Share” housing allocation which the regional Association of Bay Area Governments (ABAG) reviews and updates every 5 years. The goal is to provide an equitable distribution of low to moderate income and market rate homes within each city and county.
- **Zoning Ordinance:** A regulation that implements the goals of the city’s General Plan. It divides the land into zones with specific permitted uses and standards. Most cities have several categories of zoning, such as residential, commercial, industrial, agricultural, public facilities, and open space. Each zone carries specific requirements, such as the number of residential units per acre, the number of square feet of commercial use, and the building height limitations.⁴ Other land uses may be allowed by special permission by the city through use of a “conditional use permit” or “variance”.

- **Subdivision Ordinances:** Regulates land uses to ensure that no land is divided without local government approval. Dividing land for sale, lease or financing is regulated by ordinances based on the State Subdivision Map Act. There are 2 types of subdivisions: parcel maps, which are for divisions which have fewer than five lots, and tract maps, which apply to divisions resulting in 5 or more lots.⁵
- **Specific Plan:** Unique to California, this is a set of development standards which apply to a particular geographic area, and is uniquely defined in California. A Specific Plan may cover all of the issues in the city's General Plan, or even more or fewer issues. It may lead to proposed revisions to the city's Zoning Code (see above), will often include an Implementation Plan (see below), and requires some level of Environmental Review (see below).

A city may develop a Specific Plan for a specific area where they want to provide more detailed development standards. Or it maybe be developed and proposed by a developer, and then adopted by the City, to propose a large project that differs significantly from previously approved development standards for the area. A Specific Plan has the same force of law as the city's General Plan for the geographic area it covers.⁶ Specific Plans usually includes the following components: an economic market analysis, a physical plan, a land use plan, redevelopment strategies, and incentives to encourage development.⁷

- **Concept Plan, Area Plan, TOD Strategy:** These are titles given to planning exercises that result in guidelines for development but that do not have the same force of law as a Specific Plan. Sometimes one of these exercises will lead to zoning changes and environmental clearance for future development, but often it will not.
- **Action/Implementation Plan:** Part of a larger plan (General Plan, Specific Plan, or other exercise) that describes how the plan's vision or goals are to be achieved. For each specific action to be taken, this should include a description of the responsible agency, the time frame for completing the action, and potential funding sources, as appropriate.
- **Design Standards:** The design of a building or station area must be approved by the city or county through a design review process. Generally, communities will adopt specific design standards as part of the General Plan's Zoning Ordinance. The Design Review Board oversees development standards as they relate to existing and planned design of the surrounding area, architectural guidelines, and site plan standards.
- **Development Agreement:** These are agreements between the developers and the city for specific exceptions to city codes.

The development must be:

1. Consistent with the goals, objectives, policies, and general land uses detailed in the General Plan and any applicable Specific Plans
 2. Compatible with the uses of the zoning district in which the property is located
 3. Safe to the public health, safety and general welfare of residents or workers within the specific project area.
 4. In compliance with the California Environmental Quality Act (CEQA) (See below)⁸
- **Environmental Review:** The California Environmental Quality Act (CEQA) requires all projects, both public and private, to have an environmental review. Projects with significant environmental impacts are required to submit an Environmental Impact Report (EIR), often conducted by the local planning department. They also discuss the mitigation measures to reduce the impacts. This report details the environmental and related socio-economic

impacts of a project. It also discusses mitigation measures. Legal challenges, or the threat of them, are sometimes used to advocate for changes in a project or to stall or even stop a project. See “Phases for Community Members” (below) for community participation in the environmental review process.

Environmental Reviews often opens projects to legal challenges, and may be used by opposition groups to stall the projects. To avoid this problem, “Master EIRs” for the General Plan. The Master EIRs provide a detailed environmental review of plans, and these serve as a reference for subsequent proposals. It may be prepared for projects which include smaller individual projects to be implemented in phases. These reports are more comprehensive and encourage mixed-use housing and infill development.⁹

- **Program-Level or Master EIR:** Some cities are writing “Master EIRs” or “Program-level EIRs for General or Specific Plans. A Program EIR provides a detailed environmental review of the plan and serves as a basis for future environmental review of individual projects. A Program EIR can make it easier to complete developments that follow the plan’s guidelines. This can also make project approvals quicker and more predictable.
- **Mitigated Negative Declaration:** A Mitigated Negative Declaration is a document that describes the proposed project, presents the findings of environmental impact, describes mitigation measures, and states the reasons why the decision maker has concluded that the mitigation measures will cause there to be no significant environmental impact. A completed Initial Study must be attached to a negative declaration to support the determination of no significant effect.¹⁰

3. Individual Development Project Phases:

- **Concept/Phase 1:** The city works with community organizations and potential developer and runs charrettes to better understand the needs of a community. This phase develops the initial concept and may weigh the overall costs and benefits of a project.
- **Feasibility/Phase 2:** This phase tests the assumption made during the concept phase. The city or developers test the market by talking with prospective buyers, tenants, lenders and partners for the station area. They compile preliminary financial statements, identify required government actions and develop initial architectural plans. Planners should consult with the city’s design guidelines and building codes.
- **Proposal/Phase 3:** City agencies and developer continue collaborating, pulling together all the pieces into a coherent strategy with financial backing for the project. The development team secures necessary approvals, drafts an Environmental Impact Report, bids for construction, negotiates final financing, and ties up all loose ends needed to start construction. The city finishes its negotiations about different codes and signs a development agreement with the developer.
- **Construction/Phase 4:** This phase brings the development project to completion. The development team is marketing to tenants and/or buyers and overseeing construction.
- **Operation or Sale/Phase 5:** Operation or Sale wraps up the development team’s involvement.

4. Phases for Community Members:

- Research what the conditions of the city and of the project are. What is stated in the general and specific plans? What are the different public opinions?
- Review the project proposal and develop lists of possible alternatives.

- Participate in public meetings with comments on and questions about the project
- Review and attend a hearing about the draft EIR.
- By the time the Planning Commission and City Council are ready to approve final EIR, there is little likelihood the project will change much.

5. Key Players and their Roles¹¹:

* Bodies that vote on plan adoptions.

- **City Council or County Board of Supervisors***: Popularly elected governing body. Adopts laws and zoning ordinances. Has final authority on any plan or changes to zoning ordinances and boundaries.
- **Planning Commission***: Appointed by local governing bodies. Advises the city council in decision making about land use matters, project recommendations and site plan approvals. Commission decisions can be overruled by city council.
- **Redevelopment Agency***: Generally governed by the City Council. In some cities, the Agency has its own source of funds, and its own spending criteria and spending limits. Its responsibilities include re-planning, redesign, reconstruction, construction of new public facilities, and provision of blight-reducing services¹².
- **Zoning Adjustment Board***: Present in some cities but not in others. Interprets zoning ordinances and reviews variance and use permit proposals.
- **Planning Staff**: City or county staff who receive and review planning applications, enforce zoning code, provide background information, and make staff recommendations on submitted land use applications. Staff also often hold pre-application meetings with developers.
- **Council of Governments (COG):**¹³ Regional agencies concerned primarily with transportation planning and housing; they do not directly regulate land use. The San Francisco and Bay Area has the regional Association of Bay Area Governments and has county level COGs in some counties.
- **Developer**: Submits application for a development project. When approvals are achieved, manages the project to completion.
- **Board of Appeals**: Considers applications for variances and other exceptions.
- **Community Based Organizations/Citizens**: Raises questions about potential effects on local quality of life, and shares knowledge about the existing conditions in the surrounding neighborhood. Should be included early in discussion with developers and planning officials.

6. Important Planning Laws¹⁴:

- **California Environmental Quality Act (CEQA)**: This state law requires that a government agency review all private and public projects prior to approval for their potential adverse effects upon the environment. It defines California's environmental goals and the local government's role in helping to achieve those goals. It also sets the requirements for the review of Environmental Impact Reports.
- **Community Redevelopment Law**: Gives communities with limited financial resources an economic development tool to redevelop blighted areas. There is a Redevelopment Agency, usually directed by City Council members, and a redevelopment plan which describes the objectives and projects to be employed in efforts to address the community's needs.¹⁵

- **The Open Meetings Act:** Requires that city councils and county boards conduct their meetings and discussions openly in front of the public. All meetings must be posted at least 72 hours in advance.

References

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- ⁵ *A Citizen's Guide to Planning*. Governor's Office of Planning and Research. State of California. http://www.ceres.ca.gov/planning/planning_guide/plan_index.html#anchor189968
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- ⁸ *Development Agreement Procedures*. City of Berkeley. http://www.ci.berkeley.ca.us/bmc/berkeley_municipal_code/Title_22/16/050.html
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- ¹⁴ Feldman. *Cracking the Code*.
- ¹⁵ Fulton, William and Paul Shigley. *Guide to California Planning*. Solano Press Books. September 2005.